

## BEFORE THE SOUTH CAROLINA STATE BOARD OF EDUCATION

In the Matter of the Revocation	)	
	)	
or Suspension of the Educator	)	<b>ORDER OF SUSPENSION</b>
	)	<b>(BREACH OF CONTRACT)</b>
Certificate of Judith A. MacKenzie	)	
	)	
Certificate # 215694	)	

### SUMMARY OF THE CASE

The South Carolina State Board of Education (State Board) considered this matter on Tuesday, March 9, 2004. On January 28, 2004, the State Department of Education (Department) sent Ms. Judith A. MacKenzie a notice of her right to a due process hearing regarding the possible suspension of her South Carolina educator certificate (certificate) by certified mail, return receipt requested, delivery restricted to addressee. Ms. MacKenzie received the notice, as evidenced by a postal receipt bearing her signature. Ms. MacKenzie did not request a hearing during the period allowed by law, and is now in default. After considering the evidence presented, which was undisputed by Ms. MacKenzie, the State Board voted to suspend Ms. MacKenzie's certificate for one year.

Ms. MacKenzie holds a valid certificate, and has over twenty-seven years of teaching experience credit from Pennsylvania. She was under contract for the 2003-2004 school year as a Learning Disabilities Resource Teacher in the Greenville County School District (District). On December 12, 2003, Ms. MacKenzie notified Ms. Brenda Byrd, principal of Mitchell Elementary School, that she would be resigning effective December 31, 2003. In her letter Ms. MacKenzie cited the stress of serving as a Resource Teacher at two different elementary schools each day. She indicated she would be interested in a long-term substitute position in a self-contained Emotionally Disabled classroom if it were not "a position of long duration." On December 9, 2003, Ms. Byrd wrote Ms. MacKenzie a memo summarizing concerns Ms. Byrd had previously

expressed to Ms. MacKenzie about her performance. Ms. Byrd conducted classroom observations on October 23, 2003, and November 24, 2003. Ms. MacKenzie did not return to the classroom after December 19, 2003. On January 13, 2004, the District Superintendent wrote Ms. MacKenzie a letter advising her that her resignation did not meet board policy, and that a one-year suspension of her certificate would be recommended to the State Board of Education. On January 13, 2004, the District Board voted to file a complaint with the State Board for breach of contract, and to request that the State Board suspend Ms. MacKenzie's certificate #215694 for a period of one year.

#### **CONCLUSIONS OF LAW**

The State Board may suspend the certificate of any person for breach of contract. S.C. Code Ann. § 59-25-530 (1990). Unprofessional conduct includes breach of contract. S.C. Code Ann. § 59-25-160 (1990); 24 S.C. Code Regs. 43-58 (1992). The State Board finds that there is conclusive evidence supporting its decision to suspend Ms. MacKenzie's certificate # 215694 for a period of one year from March 9, 2004, through March 8, 2005, on the ground of unprofessional conduct due to breach of contract. At the end of the suspension period if Ms. MacKenzie wants her certificate reinstated, she may make a written request for reinstatement to the Office of Teacher Certification of the Department.

South Carolina State Board of Education

By: /S/ Mary E. Jones

Dr. Mary E. Jones, Chair

Columbia, South Carolina  
March 9, 2004